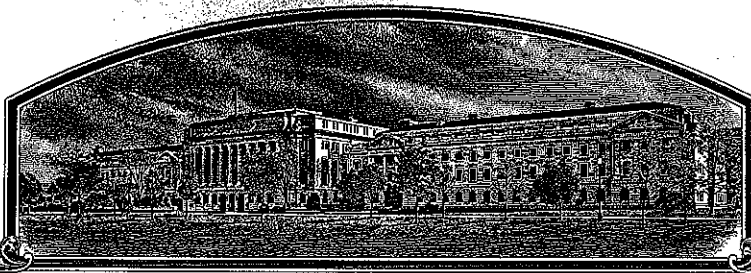


No.

200600267



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

*Pure-Seed Testing, Inc.*

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

FESCUE, TALL

'Fury'

*In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this second day of October, in the year two thousand and eight.*

Attest:

*[Signature]*  
Commissioner  
Plant Variety Protection Office  
Agricultural Marketing Service

*[Signature]*  
Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

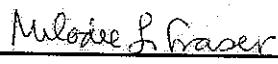

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and The Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE  
(Instructions and information collection burden statement on reverse)

1. NAME OF OWNER <b>Pure-Seed Testing, Inc.</b>		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME <b>PST-5L0</b>	3. VARIETY NAME <b>Fury</b>
4. ADDRESS (Street and No., or RFD No., City, State, and ZIP Code, and Country) <b>P.O. Box 449 Hubbard, OR 97032</b>		5. TELEPHONE (include area code) <b>503-263-0719</b>	FOR OFFICIAL USE ONLY PVPO NUMBER <b>200600267</b> FILING DATE <b>8/15/2006</b>
		6. FAX (include area code) <b>503-263-0703</b>	
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) <b>Corporation</b>	8. IF INCORPORATED, GIVE STATE OF INCORPORATION <b>Oregon</b>	9. DATE OF INCORPORATION <b>03 June 1974</b>	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers)			F E E S R E C E I V E D
<b>Melodee Fraser, Ph.D.</b> <b>PO Box 176</b> <b>Rolesville, NC 27571</b>			
<b>Crystal Rose-Fricker</b> <b>PO Box 449</b> <b>Hubbard, OR 97032</b>			FILING AND EXAMINATION FEES: <b>\$ 4,382.00</b> DATE <b>8/15/2006</b> CERTIFICATION FEE: <b>\$ 768.00</b> DATE <b>9/9/2008</b>

11. TELEPHONE (Include area code) <b>919-556-0146</b>	12. FAX (Include area code) <b>919-556-0174</b>	13. E-MAIL <b>psteast@earthlink.net</b>
14. CROP KIND (Common Name) <b>tall fescue</b>	16. FAMILY NAME (Botanical) <b>Gramineae</b>	18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
15. GENUS & SPECIES NAME OF CROP <b>Festuca arundinacea</b>	17. IS THE VARIETY A FIRST GENERATION HYBRID? <b>No</b>	IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)		20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input type="checkbox"/> YES (If "yes," answer items 21 and 22 below) <input checked="" type="checkbox"/> NO (If "no," go to item 23)
a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Exhibit F. Declaration Regarding Deposit g. <input checked="" type="checkbox"/> Voucher Sample (3,000 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) h. <input checked="" type="checkbox"/> Filing and Examination fee (\$4,382), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)		21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U.S. OR OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)		22. DOES THE OWNER SPECIFY THAT THE CLASSES BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1, 2, 3, etc. FOR EACH CLASS. <b>6 FOUNDATION 6 REGISTERED 7 CERTIFIED</b> (If additional explanation is necessary, please use the space indicated on the reverse.)
25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue will be deposited in a public repository and maintained for the duration of the certificate.  The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.  Owner(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.		24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)

SIGNATURE OF OWNER 		SIGNATURE OF OWNER 	
NAME (Please print or type) <b>Melodee L. Fraser</b>		NAME (Please print or type) <b>Crystal A. Rose-Fricker</b>	
CAPACITY OR TITLE <b>Director of Research - East</b>	DATE <b>7/25/06</b>	CAPACITY OR TITLE <b>President</b>	DATE <b>7/25/06</b>

**Origin and Breeding History of 'Fury' Tall Fescue**

Pure-Seed Testing, Inc., Hubbard, OR, developed and released 'Fury' (PST-5L0) tall fescue. The parents of Fury were selected for late maturity, low growth habit, brown patch resistance, and stem rust resistance.

During the spring of 2000, 78 tall fescue plants with late maturity, low growth habit, and a high percentage of reproductive tillers were selected from five populations, near Hubbard. These five populations had previously been selected for brown patch resistance, good summer turf quality, or drought tolerance. The 78 plants were transplanted prior to anthesis into an isolated polycross designated 5L0. The plants interpollinated and seed was subsequently harvested from 48 plants with high floret fertility and good stem rust resistance during the summer of 2000.

Seed from this harvest was used to establish an isolated 3850-plant nursery near Hubbard during the fall of 2000. During the spring of 2001, plants were removed from this nursery to increase uniformity of plant type and maturity. Remaining plants had late maturity, low plant height, dark green color, a high number of reproductive tillers, and resistance to stem rust. These remaining plants interpollinated and Breeder seed of Fury was subsequently harvested from 483 plants with high floret fertility during the summer of 2001.

The plants that produced the Breeder seed of Fury traced their maternal origins to the following sources: 15% to 'Apache'; 13% to 'Olympic Gold'; 10% each to 'Tar Heel' and PST-5EP-7, which traced to a plant collected in Holly Springs, MS; 7% to a plant collected in Atlanta, GA; 6% each to 'OnCue', 'Dominion', 'Coronado', and PST-DDL, which traced to 'Gazelle', Apache and plants collected by turfgrass breeders at the New Jersey Agricultural Experiment Station (NJAES); 3% each to 'Virtue', 'Tomahawk GT', 'Rebel Jr.', 'Duke' and a plant collected at Georgia Tech University, Atlanta, GA; 2% each to PST-5S93-29 and PST-5VC; and 1% each to 'Tomahawk' and a plant collected at the University of Georgia, Athens.

Seed production of Fury is limited to three generations of increase from Breeder seed: one each of Foundation, Registered, and Certified. Pure-Seed Testing, Inc. maintains Breeder seed in Oregon and will regenerate Breeder seed as needed. Fury has been observed to be stable and uniform for four years, through Breeder, Foundation and Certified seed generations. No variants or off-types have been observed in the production or multiplication of Fury tall fescue.

**Exhibit B****Statement of Distinctness for 'Fury' Tall Fescue**

'Fury' is most similar to 'Olympic Gold' and 'Apache II'. They differ in the following characteristics:

1. Fury has a mean initial heading date at least 8 days later than Olympic Gold (Table 1).
2. Fury has a mean mature plant height at least 8.6 cm shorter than Olympic Gold (Tables 2, 3).
3. Fury has a mean top flag leaf height at least 5.1 cm shorter than Olympic Gold (Tables 2, 3).
4. Fury has a mean internode length at least 3.4 cm shorter than Apache II (Tables 2, 4).
5. Fury has a mean tiller leaf length at least 2.4 cm shorter than Apache II (Tables 2, 4).
6. Fury has a mean panicle length at least 1.6 cm shorter than Apache II (Tables 2, 4).

Table 1. Mean initial heading dates for entries in a single-row tall fescue seed yield trial seeded fall of 2001 near Hubbard, OR.

Entry	2002	2003
PST-5LMD	15 May	09 May
Matador	12 May	03 May
Silverado	04 May	03 May
<b>Fury</b>	<b>06 May</b>	<b>02 May</b>
Apache II	05 May	02 May
Bonsai	05 May	24 April
Olympic Gold	28 April	21 April
Kentucky 31	25 April	08 April
<b>LSD (0.05)</b>	<b>5 days</b>	<b>8 days</b>

Table 2. 2002 mean morphological measurements for entries in a tall fescue seed yield trial seeded fall of 2001 near Hubbard, OR.

Entry	Plant Height (cm)	Flag Leaf Height (cm)	Internode Length (cm)	Tiller Leaf Length (cm)	Tiller Leaf Width (mm)	Flag Leaf Length (cm)	Flag Leaf Width (mm)	Panicle Length (cm)	Tiller Count (#/100 cm <sup>2</sup> )
Kentucky 31	150.1	96.7	30.7	29.0	6.7	16.2	4.7	25.9	26.0
Bonsai	134.5	76.1	28.1	23.6	6.2	15.4	5.4	20.6	34.8
Olympic Gold	133.8	77.5	26.5	24.8	5.2	14.6	3.7	22.7	38.6
Apache II	126.5	68.6	29.0	23.0	5.4	17.8	5.1	21.3	46.5
<b>Fury</b>	<b>125.2</b>	<b>72.4</b>	<b>25.3</b>	<b>20.4</b>	<b>6.1</b>	<b>14.2</b>	<b>4.8</b>	<b>19.7</b>	<b>45.5</b>
<b>LSD (0.05)</b>	<b>4.5</b>	<b>3.7</b>	<b>1.8</b>	<b>1.8</b>	<b>0.6</b>	<b>1.5</b>	<b>0.6</b>	<b>1.5</b>	<b>10.3</b>

Table 3. 2005 mean morphological measurements for entries in a tall fescue seed yield trial seeded fall of 2004 near Hubbard, OR.

Entry	Plant Height (cm)	Flag Leaf Height (cm)	Internode Length (cm)	Tiller Leaf Length (cm)	Tiller Leaf Width (mm)	Flag Leaf Length (cm)	Flag Leaf Width (mm)	Panicle Length (cm)	Tiller Count (#/100 cm <sup>2</sup> )
Kentucky 31	143.5	94.7	29.4	30.4	4.4	21.2	3.7	29.0	12.4
Olympic Gold	127.0	76.0	29.4	23.1	3.8	16.0	2.8	21.9	32.9
<b>Fury</b>	<b>117.1</b>	<b>65.6</b>	<b>26.0</b>	<b>22.5</b>	<b>3.4</b>	<b>17.1</b>	<b>2.8</b>	<b>22.2</b>	<b>32.5</b>
<b>LSD (0.05)</b>	<b>4.4</b>	<b>3.7</b>	<b>3.2</b>	<b>1.6</b>	<b>0.4</b>	<b>1.8</b>	<b>0.4</b>	<b>1.4</b>	<b>6.6</b>

Table 4. 2004 mean morphological measurements for entries in a tall fescue seed yield trial seeded fall of 2002 near Hubbard, OR.

Entry	Plant Height (cm)	Flag Leaf Height (cm)	Internode Length (cm)	Tiller Leaf Length (cm)	Tiller Leaf Width (mm)	Flag Leaf Length (cm)	Flag Leaf Width (mm)	Panicle Length (cm)	Tiller Count (#/100 cm <sup>2</sup> )
Apache II	127.4	68.8	27.7	23.5	4.0	12.1	3.0	22.8	50.5
<b>Fury</b>	<b>118.8</b>	<b>66.8</b>	<b>24.3</b>	<b>21.1</b>	<b>4.2</b>	<b>12.4</b>	<b>3.1</b>	<b>20.4</b>	<b>44.4</b>
<b>LSD (0.05)</b>	<b>3.6</b>	<b>3.0</b>	<b>1.4</b>	<b>1.5</b>	<b>0.3</b>	<b>1.3</b>	<b>0.3</b>	<b>1.3</b>	<b>9.4</b>

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**EXHIBIT C**  
**(TALL & MEADOW FESCUES)**

NAME OF APPLICANT(S) <b>Pure-Seed Testing, Inc.</b>	TEMPORARY DESIGNATION <b>PST-5L0</b>	VARIETY NAME <b>Fury</b>
ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code) <b>P.O. Box 449 Hubbard, OR 97032</b>	<u>FOR OFFICIAL USE ONLY</u> <u>PVPO NUMBER</u> <b>200600267</b>	

\* 1. SPECIES: (With comparison varieties, use varieties within the species of the application variety)

### Forage Types

\_\_\_\_\_ 2 = *F. pratensis* (Meadow)

30 = Admira    31 = Beaumont    32 = Comtessa    33 = Ensign    34 = Trader

## 42 Chromosome Number

2 Transition Zone      2 West   2 Northeast      \_\_\_\_\_ Other (Specify):

**7** Maturity Class 1 = Very early ( ) 2 = AU Triumph 3 = Early (Fawn) 4 = K31, Kenhy 5 = Medium (Rebel)

4. MATURITY: (continued)

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6 = Bonanza

7 = Late (Silverado)

8 = ( )

9 = Very late

Date Headed **6 May 02**

Location **Hubbard, OR**

\_\_\_\_\_ Days earlier than \_\_\_\_\_  
 Maturity same as **8**  
 \_\_\_\_\_ Days later than \_\_\_\_\_

} Comparison Variety

\* 5. MATURE PLANT HEIGHT CM: (Average of 100 culms \* INTERNODE LENGTH CM:

from crown to top of panicle, if panicle is nodding, straighten)

(First internode subtending the flag leaf)

**125.2** cm Height

**25.3** cm Internode Length

**9.3** cm Shorter than **12**

**2.8** cm Shorter than **12**

Height same as \_\_\_\_\_

Length same as \_\_\_\_\_

\_\_\_\_\_ cm Taller than \_\_\_\_\_

\_\_\_\_\_ cm Longer than \_\_\_\_\_

} Comparison Variety

} Comparison Variety

\* HEIGHT AT EAR EMERGENCE CM: (Flag leaf height from crown to flag leaf collar)

**72.4** cm Height

**3.7** cm Shorter than **12**

Height same as \_\_\_\_\_

\_\_\_\_\_ cm Taller than \_\_\_\_\_

} Comparison Variety

\* 6. GROWTH HABIT: (Mature Plants)

**9** 1 = Prostrate ( )

3 = Semiprostrate ( )

5 = Horizontal ( )

7 = Semierect (Rebel)

9 = Erect (Mini Mustang)

\* 7. RHIZOMES (Psuedo):

**0.0** mm Length **1** 1 = Absent ( )

2 = Rare (Rebel)

3 = Common ( )

\* 8. LEAF BLADE: (Tiller leaves/ turf color)

\* **7** Color: 1 = Light green ( )

3 = Medium light green ( )

5 = Green ( )

7 = Medium dark green ( )

9 = Very dark green ( )

**5** Specify rating of comparison variety **8**

\* **1** Anthocyanin: 1 = Absent ( )

9 = Present ( )

\* **1** Basal Hairs: 1 = Absent ( )

9 = Present ( )

\* **9** Margins: 1 = Smooth ( )

5 = Semi-rough ( )

9 = Rough ( )

8. LEAF BLADE: (continued)

\* 5 Width Class: 1 = Very coarse ( ) 3 = Coarse ( ) 5 = Medium ( )  
7 = Fine ( ) 9 = Very Fine ( )

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\* TILLER LEAF LENGTH CM: (First leaf subtending the flag leaf) \* TILLER LEAF WIDTH MM:

20.4 cm Tiller Leaf Length 6.1 mm Tiller Leaf Width  
3.2 cm Shorter than 12 } mm Narrower than }  
 Length same as } Width same as 12 } Comparison Variety  
 cm Taller than } mm wider than }

FLAG LEAF LENGTH CM:

FLAG LEAF WIDTH MM:

14.2 cm Flag Leaf Length 4.8 mm Flag Leaf Width  
1.2 cm Shorter than 12 } 0.6 mm Narrower than 12 }  
 Length same as } Width same as } Comparison Variety  
 cm Longer than } mm Wider than }

\* 9. LEAF SHEATH: (Basal Portion)

\* 1 Anthocyanin (seedling): 1 = Absent (K31) 9 = Present ( )  
 \* 1 Auricle Hairiness: 1 = Absent ( ) 9 = Present ( )

\* 10. PANICLE: (At seed maturity except where noted.)

\* 1 Shape: 1 = Narrow-tapering ( ) 5 = Ovate ( ) 7 = Oblong ( ) 9 = Other (specify)  
 \* 5 Type: 1 = Compact (appressed) 5 = Intermediate ( ) 7 = Open ( ) 9 = Other (specify)  
 \* 1 Orientation: 1 = Nodding ( ) 9 = Erect ( )  
 \* 9 Branch Pubescence: 1 = Glabrous ( ) 9 = Pubescent ( )  
 \* 1 Anther Color (At anthesis): 1 = Yellowish Green 2 = Green 3 = Bluish Green  
 4 = Purplish 5 = Reddish 6 = Other (Specify)  
 \* 3 Glume Color (At anthesis): 1 = Yellowish Green 2 = Green 3 = Bluish Green  
 4 = Purplish 5 = Reddish 6 = Other (Specify)

\* 19.7 Panicle Length (from base to tip, if nodding, straighten; after anthesis)

cm Shorter than }  
 Length same as 12 } Comparison Variety  
 cm Longer than }



\* 11. SEED: (With Lemma & Pelea)

\* 2624 mg per 1000 seeds

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\_\_\_\_\_ mg Less than \_\_\_\_\_  
 Weight same as \_\_\_\_\_  
583 mg More than 8 } Comparison Variety

PALEA: (Keels or Margins)

5 Hairs: 1 = Absent ( ) 5 = Short (Missouri 96) 9 = Long ( )

LEMMA:

1 Hairs: 1 = Absent (Kenhy) 5 = Several ( ) 9 = Many (Missouri 96)

6.1 mm Lemma Length (Mature)

1.6 mm Lemma Width

\_\_\_\_\_ mm Shorter than \_\_\_\_\_  
 Length same as \_\_\_\_\_  
0.4 mm Longer than 8 } Comparison Variety

\_\_\_\_\_ mm Narrower than \_\_\_\_\_  
 Width same as \_\_\_\_\_  
0.5 mm Wider than 8 } Comparison Variety

\*AWNS: 9 AWNS: 1 = Absent ( ) 9 = Present (Falcon) 100 % Plants with awns

1.15 mm Awn length (Of those present.)

\_\_\_\_\_ mm Shorter than \_\_\_\_\_  
 Length same as \_\_\_\_\_  
0.35 mm Longer than 8 } Comparison Variety

12. DISEASE, INSECT, AND NEMATODE REACTION: (0= Not Tested 1= Least Resistant 9= Most Resistant)

0 Melting-out *Drechslera poae*

0 Blind Seed *Gloeotinia temulenta*

0 Leaf Spot *D. siccans*

0 Dollar Spot *Lanzia, Mollerdiscus* spp.

7 Net Blotch *D. dictyoides*

5 Stem Rust *Puccinia graminis*

6 Brown Patch *Rhizoctonia solani*

0 T. Blight *Typhula incarnata*

0 C. Leaf Spot *Cercospora fectuae*

7 Pythium Blight *Pythium* spp.

0 Pink Snow Mold *Gerlachia nivalis*

0 Powdery Mildew *Erysiphe graminis*

0 Silver Top *F. tricinctum, F. roseum*

6 Crown Rust *Puccinia coronata*

\_\_\_\_\_ Other Disease \_\_\_\_\_

\_\_\_\_\_ Other Insect \_\_\_\_\_

\_\_\_\_\_ Other Nematode \_\_\_\_\_

13. ENVIRONMENTAL STRESS

7 Drought Stress 1 = Susceptible ( ) 5 = Tolerant ( ) 9 = Resistant ( )

7 Shade Stress 1 = Susceptible ( ) 5 = Tolerant ( ) 9 = Resistant ( )

**5** Winter Stress

1 = Susceptible ( ) 5 = Tolerant ( ) 9 = Resistant ( )

14. GIVE VARIETY OR VARIETIES THAT MOST CLOSELY RESEMBLE THE APPLICATION VARIETY. For the following characteristics, indicate the degree of resemblance with the following scale:

1 = Application variety is less than comparison variety 2 = Same as 3 = More than, better, greater, darker, etc.

Character	Varieties	Rating	Character	Varieties	Rating
Leaf Width	<b>Apache II</b>	<b>2</b>	Leaf Color	<b>Apache II</b>	<b>3</b>
Panicle Color			Panicle Shape		
Seed Size	<b>Apache II</b>	<b>2</b>	Cold Injury	<b>Apache II</b>	<b>2</b>
Winter Color	<b>Apache II</b>	<b>2</b>	Heat	<b>Apache II</b>	<b>3</b>
Disease	<b>Apache II</b>	<b>3</b>			

\* 15. EXPERIMENTAL: Give a brief summary of the experimental design utilized to collect the data used on this form. Cultural conditions, number of plants measured and plant spacing must be specified.

Seed yield trials were seeded during 2001, 2002, and 2004 near Hubbard, OR at 3.6 kg/ha. Twenty-five tillers from each of three replications were measured during summer for a total of 75 tillers/cultivar/year.

**Exhibit D****Additional Description of 'Fury' Tall Fescue**

1. Fury has shown good turf quality in U.S. turf trials (Table 5).
2. Fury has shown good brown patch resistance (Table 6).

TABLE 5. MEAN TURFGRASS QUALITY RATINGS OF TALL FESCUE CULTIVARS  
GROWN IN FULL SUN AT TWENTY-SIX LOCATIONS IN THE U.S.  
2004 DATA

ENTRY	AL2	AR1	CA3	GA1	IA1	IL1	IL2	IN1	KS2	KY1	MA1	MD1	MI1	MO1	NC1	NE1	NJ1	NJ2	PA1	SD1	TX1	UT1	VA1	WA1	WA3	WI1
JUSTICE	5.9	6.3	6.7	6.5	7.8	6.0	7.4	6.8	4.7	7.5	6.3	6.8	5.9	5.5	5.8	6.9	6.2	6.5	6.3	6.7	4.4	7.0	7.0	7.7	5.1	6.7
KENTUCKY 31 E+	4.1	2.8	5.1	4.8	5.3	3.8	5.6	3.6	3.0	3.8	3.8	3.1	5.7	3.1	5.3	3.5	1.1	1.0	2.8	3.3	4.1	3.0	3.7	3.0	3.7	3.1
OLYMPIC GOLD	5.4	5.3	6.4	6.4	7.1	6.3	7.0	6.3	4.3	6.3	6.5	5.8	6.5	5.7	5.5	7.3	5.0	4.7	5.5	6.1	5.1	5.1	6.8	6.4	4.5	5.2
FURY	5.4	5.6	6.5	6.4	7.2	5.9	7.6	6.6	4.4	7.0	6.0	6.3	6.8	5.3	5.3	7.2	5.3	4.7	6.4	6.2	4.8	5.7	6.4	6.7	4.6	6.3
REBEL EXEDA	5.7	6.1	6.4	6.5	7.2	5.9	7.9	6.9	4.3	7.5	6.2	6.4	6.7	5.7	5.4	6.8	5.9	5.6	6.7	6.4	5.3	6.1	6.1	7.3	4.7	6.1
TAR HEEL	5.6	5.2	6.5	6.3	7.3	5.4	6.7	6.4	4.4	6.9	6.0	5.9	6.7	5.2	5.3	8.1	4.5	4.2	5.6	5.9	4.9	6.0	6.0	6.6	4.3	5.9
LSD (0.05)	0.7	0.8	0.6	0.6	0.7	1.0	0.8	0.7	0.9	0.7	0.4	0.6	0.5	0.8	0.8	0.5	0.8	0.7	0.7	0.4	1.5	0.9	1.2	0.6	0.8	0.9

<sup>1</sup>9 = ideal

Table 6. Mean turf quality and brown patch ratings for entries in a tall fescue turf evaluation trial seeded fall of 2002 near Rolesville, NC.

Entry	Turf Quality			Brown Patch		
	2003	2004	Mean	2003	2004	Mean
Tar Heel II	5.3 <sup>1</sup>	5.9	5.6	6.9 <sup>2</sup>	6.7	6.8
Tar Heel	4.2	3.8	4.0	6.7	6.0	6.3
Fury	5.0	5.5	5.2	6.3	5.7	6.0
Wolfpack	4.5	4.5	4.5	5.9	5.8	5.9
Olympic Gold	4.8	4.5	4.7	6.0	5.5	5.8
Matador	4.6	3.3	4.0	4.0	5.2	4.6
Apache II	4.2	3.8	4.0	4.3	4.8	4.5
Coronado	4.9	3.9	4.4	3.3	4.7	4.0
Kentucky 31	2.2	2.0	2.1	3.3	4.2	3.7
LSD (0.05)	1.0	1.0	0.8	1.7	1.4	1.1

<sup>1</sup>9 = ideal

<sup>2</sup>9 = no disease

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE**EXHIBIT E**  
**STATEMENT OF THE BASIS OF OWNERSHIP***The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C.652a) and the Paperwork Reduction Act (PRA) of 1995.**Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).*

1. NAME OF APPLICANT(S)

**Pure-Seed Testing, Inc.**2. TEMPORARY DESIGNATION  
OR EXPERIMENTAL NUMBER**PST-5L0**

3. VARIETY NAME

**Fury**

4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)

**PO Box 449  
Hubbard, OR 97032**5. TELEPHONE  
(include area code)**503-263-0719**

6. FAX (include area code)

**503-263-0703**

7. PVPO NUMBER

**200600267**

8. Does the applicant own all rights to the variety? Mark an "X" in appropriate block. If no, please explain.

☒ YES☐ NO9. Is the applicant (individual or company) a U.S. national or U.S. based company?  
If no, give name of country \_\_\_\_\_☒ YES☐ NO

10. Is the applicant the original owner?

☒ YES☐ NO*If no, please answer the following:*

a. If original rights to variety were owned by individual(s), is (are the original owner(s) a U.S. national(s)?

☐ YES☐ NO If no, give name of country \_\_\_\_\_

b. If original rights to variety were owned by a company, is the original owner(s) a U.S. based company?

☐ YES☐ NO If no, give name of country \_\_\_\_\_

11. Additional explanation on ownership (If needed, use reverse for extra space):

**Pure-Seed Testing, Inc. has licensed Fury to Brett-Young Seeds.****PLEASE NOTE:**

Plant variety protection can be afforded only to owners (now licensees) who meet one of the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original breeder, both the original breeder and the applicant must meet one of the above criteria.

The original breeder may be the individual or company who directed final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definition.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY  
PLANT VARIETY PROTECTION OFFICE  
BELTSVILLE, MD 20705

EXHIBIT F  
DECLARATION REGARDING DEPOSIT

NAME OF OWNER (S) <b>Pure-Seed Testing, Inc.</b>	ADDRESS (Street and No., or RD No., City, State, and ZIP Code and Country) <b>PO Box 449 Hubbard, OR 97032</b>	TEMPORARY OR EXPERIMENTAL DESIGNATION <b>PST-5L0</b>
		VARIETY NAME <b>Fury</b>
NAME OF OWNER REPRESENTATIVE(S) <b>Melodee Fraser, Ph.D. Crystal Rose-Fricker</b>	ADDRESS (Street and No., or RD No., City, State, and ZIP Code and Country) <b>PO Box 176, Rolesville, NC 27571 PO Box 449, Hubbard, OR 97032</b>	FOR OFFICIAL USE ONLY
		PVPO NUMBER <b>200600267</b>

I do hereby declare that during the life of the certificate a viable sample of propagating material of the subject variety will be deposited, and replenished as needed periodically, in a public repository in the United States in accordance with the regulations established by the Plant Variety Protection Office.

*Melodee L Fraser*

Signature

*7/25/06*

Date